

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

The 59th Legislature, in the face of almost insurmountable obstacles, has written a record of achievement that all Texans will long remember with pride. We have faced many problems, and though all are not resolved, we have taken great strides toward their solution. While many of the pages of accomplishment are written in general statutes, constitutional amendments, and most importantly, the interaction of democracy, the means with which we provide for these forward strides are in the pages of the general appropriation act.

Underlying every page is one theme, dissatisfaction with the problems of today coupled with an acceptance of the responsibility necessary to grasp the promise of our future. Included in these strides are funds for judicial and state employee pay raises; fiscal implementation of a bold and forward-looking reorganization of mental health and mental retardation services; marked increases in State aid to public junior colleges; appropriations for increased planning and responsibility in the area of water rights and State-wide water development; increased support for accelerated vocational-technical education; monies for the administration of a tuberculosis eradication program under the aegis of the Texas State Department of Health; accelerated financing for water recreation and tourism; new appropriations for the support of two new four-year colleges, Pan American College and Angelo State College; increased funds for expansion of public and higher education; and larger financing for coordination of education beyond the high school.

These increases and others move us forward to an appropriation bill total of more than \$3.6 billion for the 1966-67 biennium, an increase over the current biennium of more than \$500,000,000. Moreover, Senate Bill 4 provides an additional \$70,000,000 for public school teacher pay raises.

I endorse your actions and I compliment your work, for these strides that expand present programs and initiate new ones are essential to State governmental functions. However, there are several services and program expenditures, for which monies have been appropriated, that I do not consider essential.

As a consequence, I am vetoing \$2,629,641 in the general appropriation act by the authority granted me in Section 14, Article IV of The Texas Constitution. These vetos and my reasons therefor are as follows:

SUMMARY OF ITEMS VETOED

	For the Years Ending August 31, 1966	August 31, 1967
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ARTICLE II

Central Office - Department of Mental Health
and Mental Retardation

New Exempt Positions	\$ 74,500**	\$ 75,000**
Rusk State Hospital -		
Water System Improvement	138,000	

ARTICLE III

Department of Agriculture -

Boll Weevil Program	*	275,000
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Aeronautics Commission -

Airport Facilities	*	200,000
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Building Commission -

Museum Building	300,000	*
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Parks and Wildlife Department -

Dam B State Park	100,000	100,000 & U.B.
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New Exempt Position	12,000	12,000
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Upper Red River Flood Control and Irrigation

District	*	5,000
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ARTICLE IV

Texas College of Arts and Industries -

John E. Connor Museum	15,000	15,000
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East Texas State University -

Doctoral Level Instruction	19,600	19,600
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Stephen F. Austin State College -

Forestry Research	*	110,000
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Angelo State College -

Administration-General Services Building		<u>1,158,941</u>
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TOTAL	<u>\$659,100</u>	<u>\$1,970,541</u>
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* Denotes that respective appropriations for that fiscal year have been retained.

** \$126,000 in Central Office vetoes, page 4, and \$23,500 in Building Engineering and Architectural staff vetoes, page 9.

CIVIL JUDICIAL COUNCIL

Rider Provision

Included in the general appropriation act is a new "rider" provision subjecting Judicial Council research projects to prior approval by the Texas Legislative Council.

"None of the moneys appropriated herein above to the Civil Judicial Council may be expended for continuing research or for research on new projects without the prior written approval of the subject matter of such research by the Texas Legislative Council pursuant to Sections 3 and 6 of Chapter 324, Acts, 1949, 51st Legislature."

The Civil Judicial Council is charged, in Article 2328a of Vernon's Revised Civil Statutes, with the authority and responsibility to make studies and reports for the Texas Judiciary. The Legislative Council, pursuant to Chapter 324, Acts, 1949, 51st Legislature, is charged with the authority and responsibility to make studies and reports for the Legislature. There has been no duplication of studies or efforts between these two agencies; rather, there has always been a spirit of cooperation between them. Furthermore, before research projects are initiated by either agency, a check is always made with the other agency. The Civil Judicial Council is particularly helpful to the Chief Justice of the Supreme Court in providing research for case loads and case transfers within the court system and other reports and special projects.

The Civil Judicial Council was created as an arm of the Judiciary, and intervention by the Executive or Legislative branch severely violates the principles for which it was created.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION

Central Office

\$126,000

In 1958, the Legislature authorized the creation of the Houston Psychiatric Institute. Since that time, the Institute has gained national and world-wide recognition for its outstanding programs in mental health research and training. This is the purpose for which it was created. As an agency of the Department of Mental Health and Mental Retardation, the Houston Institute, with an abundance of talented professional personnel, does and should work directly with the Commissioner and the Deputy Commissioners in planning, coordinating and administering all research and training programs. In light of the outstanding professional research and training personnel presently at the Institute (there are 38 medical and professional research specialists now at the Houston Psychiatric Institute), I am deleting the following positions in the Department of Mental Health and Mental Retardation:

Director, Research and Training in Mental Health	\$18,000
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Director, Research and Training in Mental Retardation	\$18,000
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Even without the services of these two positions, the Central Office is still authorized a new position of Director of Research at \$18,000 that can and should coordinate institutional research activities with the Houston Psychiatric Institute.

The appropriation bill for the new Department of Mental Health and Mental Retardation provides six positions in the Central Office primarily responsible for direct policy and fiscal administration at the institutional level. These positions are as follows:

Executive Director	\$20,000
Deputy Commissioner, Mental Health Services	\$20,000
Deputy Commissioner, Mental Retardation Services	\$20,000
Assistant Executive Director	\$18,000
Assistant Director, Service Development	\$18,000
Directors, Budgets and Finance	\$12,500

The new position of Assistant Executive Director (\$18,000) is eliminated. This in no way prevents the new Department from establishing definitive lines of administrative authority or evaluating administrative work load requirements for new programs. This would still provide the Executive Director with one \$18,000 position - Assistant Director for Service Development - for assistance in managing the institutional operations of the new Department.

The Central Office is provided a Job Classification position of Chief of Biometrics at a pay range of \$8,352 to \$10,176. Since the duties and pay rates of this position and the \$9,000 Assistant Chief of Systems Analysis are comparable, I am vetoing the Assistant Chief of Systems Analysis as an unnecessary duplication.

* * *

RUSK STATE HOSPITAL

Water System Improvements

\$138,000

In my budget recommendations to the Legislature, I recommended this project. An unusually long dry spell had existed in the Rusk area, a problem common throughout the State, and, at the time of my recommendation, the lake that provided the larger portion of the institution's water supply was dangerously low. Since that time, several changes have occurred which influence my veto of this item. (1) A contract to provide the institution ample water in case of an emergency has been signed with the city of Rusk; (2) Spring rains have supplied the Rusk hospital lake with a water reserve adequate to meet existing hospital needs and still provide a surplus water supply; (3) The Hospital Board's community contract treatment program in Beaumont has reduced the Rusk State Hospital's patient population, and (4) The 59th Legislature has provided additional funds to expand community treatment facilities and recommended community treatment when possible. These expanded services should further reduce the population and water requirements at the Rusk State Hospital in the next few years.

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DEPARTMENT OF AGRICULTURE

Boll Weevil Program (Second Year Only)

\$275,000

Texas cotton growers in the High Plains, the Rolling Plains and the El Paso area are working with the federal government to control the boll weevil on a 50-50 matching basis. Last September before hibernation, the boll weevil was sprayed to limit infestation. While this was 90% effective, continuous spraying will probably be necessary.

The U. S. House Appropriations Committee has recommended that the U. S. Department of Agriculture be provided \$1,000,000 for the boll weevil program. If matched by Texas' cotton growers, \$2,000,000 would be available. This is more than adequate to accomplish the surveying and spraying necessary to combat the boll weevil with present methods. A more intense research program is needed to develop a biological control method (such as that developed in the screwworm program), as the boll weevil could develop an immunity to spraying.

The State Department of Agriculture originally requested \$300,000 during the next two years to match Federal and cotton grower contributions. Neither I nor the Legislative Budget Board recommended this expenditure. The House Bill appropriated \$200,000 for the 1966-1967 biennium. The Senate Bill did not provide any funds for a boll weevil control program. The conference committee report appropriated \$550,000 without a federal matching requirement. Therefore, I am vetoing \$275,000 in the second year of the biennium, and recommending that the Texas Agriculture Experiment Station allocate, from \$11,629,515 appropriated for organized research, whatever funds are needed to develop a sound boll weevil control program.

Airport and Aeronautical Facilities (Second Year Only)

\$200,000

The Aeronautics Commission's operating budget has been increased \$139,764, or 90%, over the present biennium. In addition, \$400,000 was provided, for State aid to local governmental units, to purchase, construct and maintain airports throughout Texas with no requirements for local project participation. None of these funds can be expended in any town or city with population exceeding 50,000 according to the last Federal Census. Moreover, no more than \$20,000 shall be provided any one town, city or community.

I did not recommend State aid for airport facilities, nor did the Legislative Budget Board recommend State aid for airport construction. The House version of the appropriation bill provided \$200,000 for airport construction in the next biennium. The House also included a rider requiring State funds to be matched 3 for 1 with funds from federal, local or private sources. The Senate version of the appropriation bill provided \$400,000 for airport construction with a rider limiting grants, contractual payments or allocations, for the benefit of any one town, city or community, to \$10,000.

The advocates of State aid for airport facilities contend that this program would offer assistance to our State's industrial development efforts. I call to your attention that, since 1961, Texas has climbed from sixth in new plant locations to third in 1962 and second in 1963. In 1964, 274 new plants were located in Texas, and the dollar volume of industrial construction increased over 1963 by 95%. Emphasis has been placed on the importance of airports in attracting new industries to cities, but industrial development organizations throughout the State rank airports as one of the least important criteria for plant location. Texas already leads the United States in the number of airports within its boundaries. There are 705 airports in Texas, or 131 more than in California, and there are 4,000 more operating aircraft in California. The progress of aviation and industrial development has not been curtailed by the lack of State funds for airport construction.

The Legislature, in providing State aid to local governmental units for airport construction, has entered a new field of State responsibility and participation. I feel that the State should approach this program wisely and cautiously before launching into a \$400,000 program. Some local planning and participation should be required before State funds are appropriated.

I am vetoing the second year appropriation of \$200,000. The \$200,000 appropriated in 1966 is both the amount recommended by the House Appropriation Committee and the amount appropriated by the 58th Legislature prior to my veto. This should be adequate to finance pilot projects to determine the feasibility of State participation in local airport construction.

A biennial transfer of \$75,500 from the Aircraft Fuel Tax Fund to the General Revenue Fund, to reimburse State administrative and service departments or agencies for services rendered to the Aeronautics Commission, seems excessive. In light of Aircraft Fuel Tax Funds budgeted for program development and charges assessed other State departments and agencies for comparable services, this assessment is particularly disproportionate. Consequently, I am vetoing the second year transfer of \$34,500.

* * *

STATE BUILDING COMMISSION

For Construction of a Museum Building
at Washington State Park (First Year Only)

\$300,000

The Legislative Budget Board, in a memo dated December 27, 1956, made these remarks:

"...initial building appropriation requests apparently have been based on hazy notions of what is to be built, and inaccurate estimates of cost.

"The practice of exempting particular projects - in some instances the entire building program of an agency - from the jurisdiction of some competent planning agency of the State, undermines the principle of central control and supervision."

While these remarks were made almost a decade ago, they still form part of a trenchant commentary on building construction in Texas. The Building Construction Administration Act (House Bill 37, Acts of the 59th Legislature)

charges the State Building Commission staff with the responsibility of advanced planning and project analysis for all State buildings except those at our twenty-two colleges and universities.

The \$800,000 appropriation to the State Building Commission for a museum at the Washington State Park parallels the Legislative Budget Board's remarks of ten years ago and runs contrary to the purpose of the Building Construction Administration Act. This project was not requested at the Building Commission budget hearing. It was not recommended by the House Appropriation or Senate Finance Committee.

While Washington on the Brazos, as our first Capitol, certainly deserves a memorial museum, we have gone too long without advanced planning for capital expenditures. As a consequence, I am vetoing the first year appropriation of \$300,000. Moreover, I will direct the Building Commission staff to make a thorough analysis of the museum project. Should the Building Commission find that the \$500,000 appropriated in 1967 (to be matched by \$200,000 in local funds) is inadequate, I will recommend funds necessary for its completion in my budget message to the 60th Legislature.

Building Engineering and Architectural Staff

Subsequent to the enactment of the general appropriation bill, the Building Construction Administration Act (House Bill 37, 59th Legislature) was passed by the House and Senate with a \$472,000 appropriation for an engineering staff in the State Building Commission.

To avoid duplication in the departments and agencies affected by House Bill 37, I am vetoing the following exempt and classified positions in the Department of Mental Health and Mental Retardation and State Board of Control:

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION (General Revenue Fund)

Exempt Position

Chief of Design and Construction
(line item appropriation of \$11,500 in 1966
and \$12,000 in 1967)

Classified Positions*

2360 Architect-Engineer III (2)
Clerk of Works II (3) **
Clerk of Works I (3) **

BOARD OF CONTROL
(General Revenue Fund)

Classified Positions*

2366 Chief, Building Engineer and Management
2362 Chief Architect-Engineer
9097 Clerk of Works II
2360 Architect-Engineer III (2)
2359 Architect-Engineer II (3)
2358 Architect-Engineer I
2356 Architect-Engineer Assistant II (2)
9096 Clerk of Works I

* Deleted in "Salaries of Classified Positions"

** Deleted in rider provision following State hospitals and special schools building program, Article II - page 24.

Though I cannot veto dollar amounts (included in a lump sum appropriation for salaries of classified positions), I shall direct that these State agencies not duplicate services with these funds.

This procedure will offer a biennial savings of approximately \$407,820 in the General Revenue Fund.

PARKS AND WILDLIFE COMMISSION

Dam B State Park \$200,000

During the current biennium, the State will spend \$511,050 in the Dam B State Park. As of March 1, 1965, \$412,016 of this amount had been spent or encumbered. Current expenditures for improvements in this park alone exceed the \$354,647 authorized each year of the next biennium for "Other State Parks."

The Parks and Wildlife Commission originally requested \$6,000 for repairs and maintenance to Dam B State Park. This amount was included in my budget recommendations for repairs and improvements to existing State parks. The \$200,000 appropriated for improvements at Dam B was not contained in my budget recommendations, the Legislative Budget Board recommendations, or the House version of the general appropriation act. The item first appeared in the Senate appropriation bill. This park, like all other State parks, deserves funds for improvements; however, some basic criteria reflecting the needs of the entire park system must be considered. I am, therefore, vetoing the \$200,000 appropriated to the Dam B State Park.

A new item appeared for the first time in the conference committee report entitled "Director of Special Services," at \$12,000 each year. The position of Deputy Director, now authorized at \$13,000, has not been filled by the Parks and Wildlife Department.

In light of this vacancy and complete lack of information regarding duty, purpose and organizational responsibility, I am vetoing this position.

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UPPER RED RIVER FLOOD CONTROL
AND IRRIGATION DISTRICT (Second Year Only)

\$5,000

As I stated in my veto message to the 58th Legislature, "The Texas Water Commission had advised me that it would consider making this item one of its routine projects without the necessity of setting up a new agency or making a separate appropriation." Following my request of May, 1963, a stream flow and measurement station was initiated, and in February, 1964, a stream sediment station was added. This item would duplicate the services already provided by the Texas Water Commission. These services already have been provided; consequently, I am vetoing the second year appropriation, which will leave \$5,000 for necessary travel and research costs.

* * *

DEPARTMENT OF PUBLIC SAFETY

Rider Provision

The rider provision on Page III-134 following the appropriation to the Department of Public Safety reads as follows:

"Whenever the Texas Department of Public Safety shall, by agreement entered into under the authority of the Inter-Agency Co-operation Act, provide for appropriate reimbursement therefor, such Department is authorized to expend so much funds as may be necessary out of funds appropriated herein to permit the proper policing of turnpike and turnpike projects under contracts entered into with the Texas Turnpike Authority pursuant to Chapter 410, Acts of the Fifty-third Legislature, Regular Session, 1953, provided, however, that funds received from the Texas Turnpike Authority shall be deposited to the State Highway Fund No. 6, and are not reappropriated by this Act."

This rider appears to conflict directly with a contract between the Department of Public Safety and the Texas Turnpike Authority, made under the provisions of the Texas Turnpike Authority Act, which states: "This agreement is subject to the enactment by the Legislature of necessary emergency legislation to permit the replacement of personnel assigned to the turnpike...and like provisions for each biennial appropriation."

Additionally, this rider conflicts with the Inter-Agency Co-operation Act, which states: "...payments received by the State agency performing the service shall be credited to that State agency's current appropriated item or account from which the expenditures of that character were originally made."

This rider is also repugnant to Section 33, Article V of the general appropriation act (H. B. 12, 59th Legislature).

"Sec. 33. REIMBURSEMENTS AND PAYMENTS. Any reimbursements received by an agency of the State for authorized services rendered to any other agency of the State Government, and any payments to an agency of the State Government made in settlement of a claim for damages, are hereby appropriated to the agency of the State receiving such reimbursements and payments for use during the fiscal year in which they are received."

The Department of Public Safety has policed the turnpike since it was created in 1957 and has always been reimbursed for this service. This rider would, in effect, take yearly appropriations of approximately \$120,000 to \$150,000 away from the Department. The elimination of this rider would permit continuation of the salary of one patrol lieutenant and twelve highway patrolmen, allowing the Department to use more patrolmen on the public highways of Texas.

My veto in no way affects turnpike policing permitted by the Turnpike Authority Act and the Inter-Agency Co-operation Act.

* * *

CENTRAL EDUCATION AGENCY

Executive Director, Junior College Division

Classified Position

H. B. 1, Acts of the 59th Legislature, Regular Session, 1965, transfers the responsibility for Junior College Administration to the Coordinating Board, Texas College and University System.

The schedule of classified positions for Agency Administration in the Central Education Agency inadvertently provides job specification 7133, Group 20, for an Executive Director, Junior College Division. I am vetoing this job specification to correct this oversight.

* * *

TEXAS COLLEGE OF ARTS AND INDUSTRIES

John E. Connor Museum

\$30,000

The John E. Connor collection of Texas memorabilia affords an opportunity for student research and is an invaluable instructional aid for advanced and graduate students in the social sciences. But a collection of historical documents, however valuable as aids for historical research, does not of itself justify an appropriation as a special item.

While this item was requested, neither the Legislative Budget Board nor I recommended it. It was not recommended by the House Appropriations Committee or the Senate Finance Committee, nor was it appropriated by either the House or Senate.

Departmental operating expense, instructional administration and organized research are uniformly appropriated by formula as elements of instruction and research costs. The college will receive \$725,000 in the next biennium for these three cost elements, or \$278,000 more than provided in the current appropriation bill; \$93,000 to meet enrollment growth and \$185,000 for enrichment. This should more than adequately provide for support of the John E. Connor Museum.

* * *

Doctoral-level Instruction

\$39,200

Legislative appropriations to Texas' 22 colleges and universities have been determined by applying uniform formulas to institutional cost elements since H. B. 4, 56th Legislature, first recognized the overriding need for a systematic and objective procedure for budget preparation, presentation and evaluation.

Faculty salaries and departmental operating expenses constitute 95% of instructional costs. Faculty salary appropriations to the 22 colleges and universities total more than \$159,000,000 for the next biennium, an enrichment over current faculty salaries of more than 25%. Most notable in this enrichment is the emphasis given doctoral instruction - enrichment of almost \$6,000,000. This enrichment alone exceeds current appropriations of \$5,357,530 by 10%. Current appropriations for departmental operating expenses are increased by one-fourth, 15% to provide for enrollment growth and 10% for enrichment over current operating levels. Again, this places marked emphasis on doctoral level instruction.

East Texas State University will receive \$483,054 from faculty salary and departmental operating expense appropriations for doctoral level instruction, an increase of \$405,000. This 500% increase is more than adequate to meet an anticipated doctoral semester-credit-hour base period enrollment gain of 250% for the next biennium.

* * *

STEPHEN F. AUSTIN STATE COLLEGE

Forestry Research (Second Year Only)

\$110,000

Stephen F. Austin State College has offered a program of instruction leading to a Bachelor's Degree in Forestry since 1947. In January of this year, the Texas Commission on Higher Education approved a program leading to a Master's Degree in Forestry.

Since 1962, the College has received as a Special Item appropriation, above formula appropriations for resident instruction and organized research, \$194,000 for Forestry Research. This "override" is designed to assist Stephen F. Austin State College obtain accreditation from the Society of American Foresters. The College was examined for accreditation in 1960 and is scheduled for a second examination in the first academic year of the next biennium. The President of the College indicated, at the budget hearing preceding the 58th Legislature, that the requested \$60,000 a year for Forestry Research was, in his opinion, adequate to obtain accreditation. Consequently, I recommended and the Legislature appropriated \$60,000 a year for forestry research.

House Bill 12 appropriates \$220,000 for forestry research in the next biennium. This is \$100,000 more than is currently appropriated and \$26,000 more than the combined appropriations of the 57th and 58th Legislatures. Even after the second year appropriation is vetoed, the College will have \$110,000 for forestry research. Moreover, the College will also have, for resident instruction and organized research, \$2,000,000 more than currently appropriated.

* * *

ANGELO STATE COLLEGE

<u>Administration-General Services Building</u>	\$1,158,941
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House Bill 12 provides \$6.1 million for physical plant construction at three of the 22 general academic teaching institutions. (Midwestern University, \$1,634,600; Pan American College, \$1,000,000; and Angelo State College, \$3,483,021).

There are numerous indices of building need, one of the most salient of which is space per student. On that basis, Angelo's need is more critical than any of Texas' other 21 colleges and universities. The \$3½ million appropriated to Angelo provides for a \$1,000,000 library building and a \$1.3 million science building in the first year of the next biennium. This \$2,300,000 will increase Angelo's ratio of square feet to full-time equivalent students from 58.7 for fall, 1965, to 103.8 for fall, 1966. This is an increase of almost 100%. While these two buildings provide for a marked increase in student space in 1966, enrollment gains will reduce the ratio to 92 square feet per student in the fall of 1967, still a marked increase over present space per student. This ratio compares favorably with colleges and universities of similar role and scope.

Square Feet Per Student for Fall, 1967*

Lamar State College of Technology	54.2
Arlington State College	64.7
North Texas State University	73.4
Sam Houston State Teachers College	74.4
Stephen F. Austin State College	74.9
East Texas State University	82.5
Texas Western College	83.6
Southwest Texas State College	84.8
West Texas State University	91.0
Angelo State College	92.0
Texas College of Arts and Industries	92.7
Texas Southern University	133.3
Prairie View A and M College	136.4
Tarleton State College	141.3

*Current space adjusted for construction of new facilities with anticipated occupancy dates falling in the next biennium, (1) as reported in institutional budget requests, and (2) as provided by March, 1965, from the Higher Education Facilities Act.

Angelo's third appropriation of \$1,158,941 in the second year of the biennium provides for a 52,000 sq. ft. Administration-General Services building which would increase Angelo's space per student ratio for fall, 1967, to 113. For example, in fall, 1967, this would exceed student space at Lamar State College by more than 100%. It would exceed student space at Texas A & I by 20%.

41,000 of the 52,000 sq. ft. is for administrative offices, a theatre for the performing arts, dressing rooms and band instrument storage space. 11,000 sq. ft. will provide for eighteen art, music, drama and speech classrooms. Of these four disciplines, only speech is an authorized degree program.

While Angelo's need is critical now, that need, when cast in the light of the relative need of Angelo's sister institutions, does not justify a third building. Only 1/5 of this third building will be used to provide instructional space for students.

Consequently, I am vetoing the Administration-General Services Building appropriation for the second year of the biennium.

* * *

Rider Provision - Article V, Page 32

Section "g," Second Paragraph

The second paragraph of the following rider first appeared in the conference committee version of the general appropriation act:

"g. PAYROLL AFFIDAVIT. The Comptroller may not issue warrants for payments of salaries out of appropriations for 'salaries of classified positions' until, as part of the payroll affidavit required in Art. 4359 V.A.C.S., there is a statement to the effect that all classified employments have been made in accordance with the Position Classification Act of 1961 or the specific classification and position limitations prescribed in this Act.

"It is further provided that appropriations made in this Act for 'salaries of classified positions' shall be used only to pay the salaries of employees who occupy classified positions authorized in this Act and classified in accordance with the Position Classification Act of 1961."

The State Employees Position Classification Plan (Chapter 123, Acts of the 57th Legislature, Regular Session, 1961), authorizes the Governor to exempt, by executive order, certain classified positions.

"Specifically excepted from the Position Classification Plan hereinafter described are constitutionally named and elective officers and officials; officers appointed by the Governor...and such other positions in the State Government as have heretofore been or as may hereafter be excluded from such Position Classification Plan by executive order of the Governor or by direction of the Legislature...Also deferred from the provisions of such Position Classification Plan until such time as it is deemed practical by order of the Governor or by direction of the Legislature to study and make application of such Plan, are all non-academic employments in the State colleges, universities, and other agencies of higher education."

This language affords the Governor a flexibility when the Legislature is not in session that is vital to the new and changing programs in our agencies and departments. Although this rider cannot repeal the language of a general statute, it does effectively negate flexibility by prohibiting payment from agency appropriations for exempt positions. As a consequence, I am vetoing the second paragraph of the "Payroll Affidavit" rider in order to retain the language of the current appropriation act.

Rider Provision - Article V, Section 57, Page 51

House Concurrent Resolution 136 added the following rider provision to the general appropriation act after both the House and Senate had accepted the conference committee report:

"Sec. 57. INTERPRETATION OF LEGISLATIVE INTENT. Interpretation of Legislative intent as it relates to the funds appropriated in this Act and the conditions, limitations and procedures relating thereto shall be the responsibility of the Attorney General. In the event of controversies or conflicts of interpretation, final determination of legislative intent shall be made through opinions or rulings by the Attorney General, and the Comptroller of Public Accounts is directed to follow such opinions or rulings in the payment of claims from the funds appropriated in this Act. It is specifically provided, however, that none of the moneys appropriated by this Act may be expended to pay the claim of any person against the State unless and until such claim has been pre-audited by the Comptroller of Public Accounts, and no claim shall be approved by the Comptroller for payment from the appropriations made herein except it be for an authorized public purpose for which an appropriation has been made. 'Pre-audit' as used in this paragraph shall mean an examination of a claim prior to payment for its validity, accuracy of facts, and availability of appropriation. In such pre-audits of claims properly submitted to him, the Comptroller shall make such individual fact finding as he deems necessary to safeguard the rights of the State and to comply with Legislative intent as evidenced by this paragraph. It is also the intent of the Legislature that State agencies for which appropriations are made by this Act shall assist the Comptroller in such pre-audits by furnishing him with records, information, and other data necessary to audit properly any claim against the appropriations herein made. However, nothing in this paragraph shall be construed to give the Comptroller the right to refuse to pass for payment a legal claim, factually justified, for which a valid appropriation has been made."

The above rider provides for a "pre-audit" determination of fact accuracy claims presented to the Comptroller for payment. Attorney General Opinion C-447 is as follows:

"A proposed 'rider' to provide for 'pre-audit' procedures by the Comptroller of Public Accounts of claims against the State of Texas, whereby the Comptroller is required, among other things, to determine 'the accuracy of facts' contained in such claim, modifies existing statutory provisions regarding the auditing of claims and the issuance

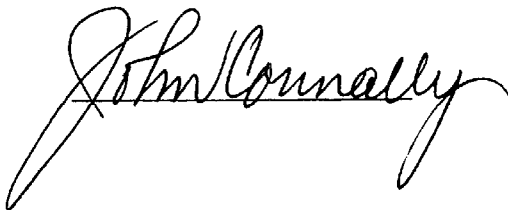
of warrants and constitutes a subject for general legislation and is therefore invalid, since such provisions cannot properly be included within a general appropriation bill."

The opinion, dated May 24, 1965, was requested for the above quoted "rider" and was issued prior to H.C.R. 136. It belabors the obvious to reiterate that the rider provision is invalid, and I, therefore, veto the provision.

* * *

House Bill 12 was received in the Governor's Office less than ten (10) days prior to the adjournment of the Regular Session of the Fifty-ninth Legislature, and in accordance with Section 14, Article IV of the Constitution of Texas, the Bill, together with this Proclamation, is filed with the Secretary of State.

IN TESTIMONY WHEREOF, I
have hereunto signed my
name officially and
caused the seal of State
to be affixed hereto at
Austin this 16th day of
June, 1965.

A handwritten signature in cursive script, reading "John Connally". The signature is written in dark ink and is positioned above a horizontal line.

By the Governor:

Secretary of State